IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

WRIT PETITION NO : 25294 of 2001

03.08.2005

Between:

T.Bangaraiah & others

..... PETITIONER

AND

Rajahmundry Municipal Corporation, rep. by its Commissioner.

.....RESPONDENT

THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

WRIT PETITION NO : 25294 of 2001

O R D E R:

The writ petition is filed questioning the impugned notice dated 13.08.2001, whereunder the first respondent called upon the petitioners to show-cause in writing within three days from the date of service as to why the constructions should not be removed as it was carried out in deviation to the approved plan and therefore, violated the provisions contained in Sections 428 and 433 of the Hyderabad Municipal Corporation Act.

The grievance of the petitioners is that the respondent-authorities without considering the explanation submitted by them, and without passing any orders on the explanation, visited the houses of the petitioners and threatened to

demolish the structures pursuant to the impugned notice. Hence this writ petition.

Heard the learned counsel for the petitioner.

On 11.12.2001, this Court while admitting the writ petition stayed the demolition of the petitioners' houses for a period of three weeks. Thereafter, on 27.12.2001, this Court extended the stay until further orders.

Having regard to the facts and circumstances of the case, I am of the opinion that it is obligatory on the part of the respondents to consider the explanation submitted by the petitioners in response to the impugned notice pointing out the deviations committed by them. Hence, without going into the merits of the case, the writ petition is disposed of directing the respondents to consider the explanation submitted by the petitioners and pass appropriate orders within a period of twelve weeks from the date of receipt of a copy of this order. Till such time, the respondents are directed not to take any action pursuant to the impugned notice.

Accordingly, the writ petition is disposed of. No costs.

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03.08.2005

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